

MINUTES
SPEECH-LANGUAGE PATHOLOGY/AUDIOLOGY BOARD
JUNE 17, 2004 – 9:00 A.M.
Room 428- Fourth Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 9: 08 A.M.

ADJOURNED: 11:50

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary
Board Members:
Nanette Sturgill Anne Elsweiler
Patricia Anderson

ABSENT:

Brad Bowman

GUESTS:

Craig Jackson, Division Director; Bryan Layton, Association Representative; Don Rodgers, Division Investigator; Ryan Bacher, Glenn Gardner, David Magriplis, and Jared Young, Accurate Hearing Clinics; James Drissen, Elite Hearing.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes:

The minutes of the October 22, 2003 board meeting were approved as written.

Swear in new board member

Mr. Ormond administered the Oath of Office to Ms. Anderson. He reviewed the duties and responsibilities of a board member as stated in 58-1 and R156-1.

Elect new board chairperson

A motion was made by Ms. Newberg and seconded by Ms. Anderson to elect Anne Elsweiler as the new board chairperson. The motion carried unanimously.

APPOINTMENTS:

9:30 A.M.
Nesha Naud

Ms. Naud met with the Board to discuss the continuing education (CE) required for the reinstatement of her speech-language pathologist license, which had expired on May 31, 2003. She stated her license had lapsed due to a difficult pregnancy and being on maternity leave and she had stopped practicing in June 2003. Her baby was born August 2003. Ms. Naud stated she had been an active member of the American Speech-Language Hearing Association (ASHA) since 1996.

Nesha Naud Apt (cont)

Ms. Naud then stated she had completed 12 hours of the 20 hours of required CE, as of May 31, 2003, and she has completed an additional 9 hours since then. Mr. Ormond asked the Board if they would accept the 9 hours to meet the CE requirement or do they prefer to monitor her continuing education over the next two years. Mr. Ormond referred to R156-1-308g (2), Utah Administrative Code, regarding the requirements to reinstate a license between the date of the expiration of the license and two years after the expiration date.

A motion was made by Ms. Newberg and seconded by Ms. Anderson to accept the 9 CE hours she completed after May 31, 2003 and the 12 CE hours prior to that date, to meet the 20 hours CE requirement to reinstate her license. The 9 CE hours cannot be used toward the 20 CE hours renewal requirement on May 31, 2005. The motion carried unanimously.

10:00 A.M.
David Swenson

Mr. Swenson, accompanied by his wife, Tami Swenson, and James Drissen, with Elite Hearing, met with the Board for his probation interview. For the benefit of the new board members, Mr. Ormond reviewed the circumstances that led to Mr. Swenson's probation.

A letter received from John Pater, stated he wished to resign as the audiologist assigned to review Mr. Swenson's audiology client records, effective May 31, 2004. The order had been amended, on November 2002, to change the review of the client records to bi-annual audits. It was noted that the last audit received from Mr. Pater was received on August 7, 2002. Mr. Swenson presented a copy of the last audit Mr. Pater did for him, dated December 29, 2003, which had not been received by the Division. The Board then reviewed Mr. Pater's copy and returned it to Mr. Swenson.

The terms and conditions of the Stipulation and Order were then reviewed with Mr. Swenson. The Board asked him about his policy regarding returned hearing aids. He and Mr. Drissen explained their "unbundling" policy was to itemize the service charges separately from the cost of the hearing aid. If the hearing aid is returned the customer is charged for the service charges plus the actual cost to return it to the manufacturer.

Mr. Swenson then asked if he could continue to take his records to the reviewer or must the reviewer come to his

David Swenson Apt (cont)

office to review the records? Mr. Ormond reviewed the Order and stated the reviewer must review 50% of his records bi-annually but it doesn't specify where the audit should be done. It was decided that when Mr. Swenson submits the name of the new reviewer, the Board would establish the protocol for the way it will be done.

Ms. Elsweler asked Mr. Swenson how Mr. Pater had been chosen to be his reviewer. Mr. Swenson replied he had submitted several names of licensed audiologists to the Board and they had chosen Mr. Pater. Mr. Ormond provided the Board with a list of all currently licensed audologists. They chose the following four audiologists for Mr. Swenson to contact about reviewing his files: 1. Robert Lewis Stevenson in Logan; Diana Smith, St George; Marsha Simons-McCandless in Dammeron Valley; and Steve Viehweg in Logan. The Board gave Mr. Swenson until July 15, 2004 to submit the name of the chosen person for the Board's approval.

NEW CORRESPONDENCE:

NCSB 2004 Conference Information

The Board noted the conference would be held on October 21-24, 2004

NCSB Spring 2004 Newsletter

This was noted with no further action taken.

ABA Letter re: Board Certification

This spoke about the national association's proposal to consider a person's education and experience for certification as well as those who have graduated from an accredited school.

OLD CORRESPONDENCE:

NCSB Spring & Summer Newsletters
NCSB Annual Conference Information
NCSB Letter re: Position on Telepractice
NCSB Letter re: Medicare & Medicaid Services
ASHA Memo re: Authorized CE Staff
ASHA Memo re: Revised Model Licensure Bill
ASHA Memo re: Discontinuation of SLPA Registration
AFA Letter re: Student Licensure
Redleaf Institute 12-Hour Program Information

These items of correspondence were duly noted by the Board with no action being taken.

DISCUSSION ITEMS:

Proposed Rule Change

The Board reviewed 58-46a-503 of the Hearing Instrument Specialist statute regarding the written contract with the consumer. It was proposed to add this

to the Speech-Language Pathology and Audiology statute. They discussed the "Right to Cancel" fee charged to the consumer. In the Hearing Instrument Specialist statute it is 15% of all of the original fees charged to the consumer. It was agreed that this fee should be placed on this profession's contracts also. Ms. Newberg stated the audiologist's fee should be consistent with the hearing instrument specialist's fee.

Mr. Ormond inquired what the cost is to return the hearing aid to the manufacturer. Mr. Layton stated that most manufacturers don't charge a restocking fee but some do. The current statute states the seller can only charge the client the shipping costs for a return plus any restocking fee. However, the Federal Trade Commission has recommended 5-20 % of the purchase price.

Mr. Layton spoke about billing codes that allow an audiologist to charge for the time spent testing and fitting the hearing aid. Mr. Rodgers inquired whether an audiologist could also charge for the time he spent testing and fitting the customer. Mr. Ormond replied, according to the wording of the current statute, the audiologist can't. Mr. Layton stated his company has been stating the costs of these services within their contract right up front with the customer. Mr. Ormond disagreed with charging for these services based upon the statute.

Mr. Ormond then suggested that the Association obtain a sponsor to take the statute through legislature to add the "Right to Cancel" fee to the statute. Also, add to the statute that it is unprofessional or unlawful to charge more than will be established in the new statute. Mr. Ormond then explained the legislative process to those present.

NEXT MEETING:

September 8, 2004

DATE APPROVED

CHAIRPERSON, SPEECH-LANGUAGE
PATHOLOGY/AUDIOLOGY BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING